**Ref 2022/0482**
Applicant: Mr T Gallivan

Description: Proposed telecommunications installation: 16m high monopole with wraparound cabinet at base, 3 x no. additional ancillary equipment cabinets and associated ancillary works (Application to determine if prior approval is required)

Address: Birk Avenue, Kendray, Barnsley, S70 3DJ

**Site Description**

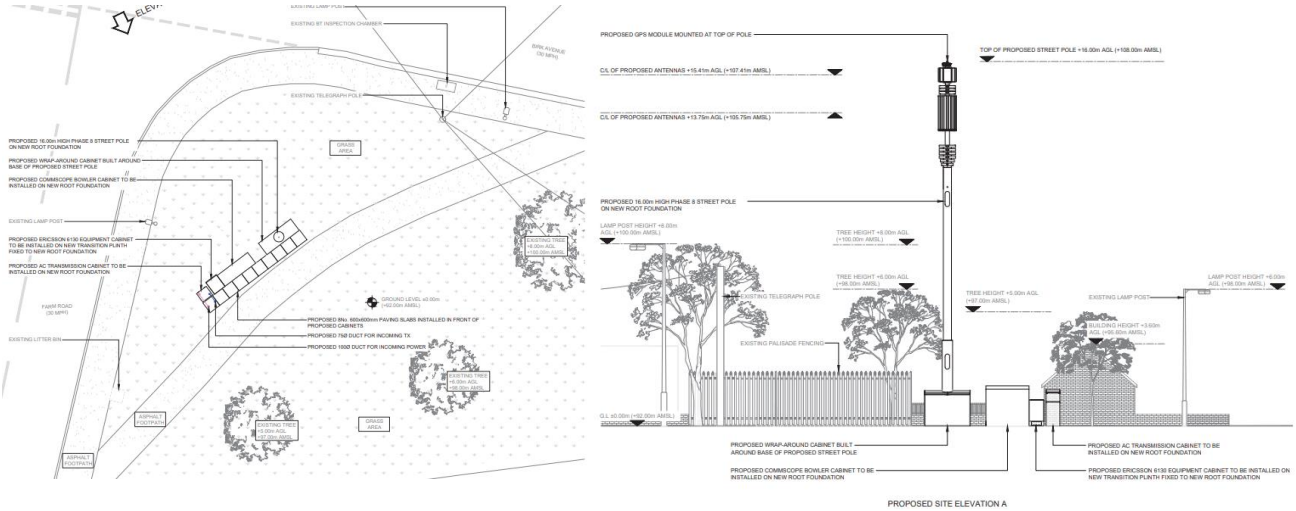
The site is positioned on a grass verge on the corner of Birk Avenue and Farm Road, which is largely a residential area but there are some commercial properties nearby including a café to the East and several commercial units further along Birk Avenue to the West including a post office, convenience store, betting shop and discount store. The grass verge in question takes up the entire corner of Birk Avenue/Farm Road, measuring 300sqm with a hard surfaced footpath running through it, effectively separating the grassed area into two. There are several scattered trees within the land in question and streetlights immediately adjacent.



**Proposed Development**

The applicant is seeking prior approval for the erection and installation for the following:

- 1 no. 16m phase 8 street mono pole
- 1 no. Wrap-around cabinet built around base of proposed street pole
- 1 no. Commscope bowler cabinet
- 1 no. Ericsson 6130 equipment cabinet to be insaled on new transition plinth
- 1 no. AC transmission cabinet



PROPOSED SITE ELEVATION A

**Policy Context**

<u>Local Plan</u>

The site is located in the Urban Fabric.

Policy D1 Design
Policy GD1 General Development

<u>NPPF</u>

The paragraphs below are extracted from Chapter 10 ‘Supporting High Quality Communications’ of the National Planning Policy Framework (Feb 2019):

112. Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).

113. The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

114. Local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development. They should ensure that:

a) they have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and

b) they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.

115. Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and

b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or

c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.

116. Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

**Consultations**

Highways – No objection. Highways have advised that contact should be made with the Authorities Network Management Team prior to works being undertaken.

Tree Officer – No comments

Ward & Parish Councillors – No comments

**Representations**

The application was advertised by site notice and neighbour notifications; 2 comments were received objecting to the proposal, raising concerns with the following elements:

1. Visual amenity – The monopole will be an eyesore for all the residents.
2. Highways safety – The site has a history of crashes into both lampposts on either side of the corner
3. Anti-social behaviour – The area suffers from nuisance already and the pole will attract children who will
4. Health and safety concerns
5. Concerns about the Council no longer being able to cut and maintain the grass, with the development blocking access to council grass cutters.
6. There is a more suitable, alternative site along Birk Avenue/Thornton Road which should be considered.

A joint signed letter (signed by 5 residents) has also been submitted opposing to the development objecting to the proposal raising concerns with the appearance of a telecommunications mast in close proximity to the existing residents.

**Assessment**

<u>Principle of development:</u>

Schedule 2, Part 16 of the Town and Country (General Permitted Development) (England) Order 2015 sets out the permitted development rights for electronic communications code operator with regards to development for the purpose of the operators electronic communications network.

Under Class A.1 (c) (ii) allows for the installation of a mast up to 20m in height (excluding any antenna) on land which is on a highway.

Under Class A.7 the installation of electronic communications apparatus is permitted if the structure does not exceed 1.5m$^2$

Under Class A.9 the installation of radio equipment housing is permitted where the development is ancillary to other electronic communications apparatus and the cubic volume does not exceed 90m$^3$. No fencing is proposed around the cabinets which are all vandal proof.

This application is for prior notification and this assessment relates to whether or not the Council would seek a prior approval application for the proposed works. The proposed complies with these restrictions as set out in Schedule2, Part 16, Class A of the GPDO (amended 2016) and is therefore permitted development, subject to adequate siting and appearance.

Principle of development:

In respect of NPPF paragraph 15 (c), this this sub-paragraph requires development proposals for new masts (including those for prior approval) to have considered whether antennas could have alternatively been installed on other nearby buildings or structures. This exercise does not appear to have been carried out correctly as no buildings or structures have been considered and no information has been provided (within the Site-Specific Supplementary Information and planning Justification statement prepared by Dot Surveying) that justifies why these locations were considered initially in the first place. The following table sets out the sites considered by the applicant for alternative locations:

| Site Reference | Reason why discounted |
|---|---|
| D1 - Kendray Recreation Ground | overlooked by residential properties |
| D2- Colley Avenue | visibility splays issues and overlooked by residential properties |
| D3 – Farm Road | overlooked by residential properties |
| D4 – Sulby Grove | residential properties street and overlooked by residential properties |



The LPA Case Officer has reviewed th eabove sites and can confirm that none meet the criteria of having been considered for installation on an exisitng building, mast or structure:

***D1 – Kendray Recreation Ground:***



The site is located on a grass verge adjacent to residential dwellings and near to Barnsley Academy, as well as the recreation ground. Barnsley Academy itself or any other building/structure has not been considered at this location.

***D2 – Colley Avenue:***




The above site is a grass verge, similar to the proposed development site which contains a tree but no buildings or structures.

***D3 – Farm Road:***




The above site is shown on the enclosed map to be located to the front of Farm Road Community Centre (shown to the right-hand side), but a more likely location would be on the grass verge to the left centre of the image. This is a very similar site to the proposed, with similar separation distances to nearby residential properties but there are no buildings/structures.

***D4 – Sulby Grove:***




The above discounted site is shown to be an entirely residential area, with the point on the submitted map indicating that the development would be sited within land clearly owned by an existing residential property. There are no visible non-residential buildings or strucutres within this area and the discounted site is not considered by the Local Planning Authority to be a serious alternative.

Despite the above, the SSSI and Planning Statement indicates that a sequential approach has been outlined in line with the NPPF which has chosen the site taking the following approach (section 6):

a) Mast and Site Sharing
b) Existing Buildings Structures
c) Ground Base Installations

Overall, all of the considered and discounted sites are within 200m of the proposed location and none are proposed upon an exisitng building or structure. It is appreciated that no buildings may be suitable, but this has not been intimated and explained despite the SSSI stating '*In this location, existing mast sites are not capable of supporting additional equipment compliment to extend coverage reach across the target area and prospective 'in-fill' mast sites are extremely limited.*' (Page 3). As explained above, there has been no evidence that confirms that any exisitng buildings or structures have been considered – which would be in line with the above outlined sequential approach.. Indeed, as shown at locations D1 and D3, there are buildings nearby (Barnsley Academy and Farm Road Community Centre) which have not been considered within the SSSI.

It's understood that there is a lack of 5G coverage in this area and there is an acute need for such infrastructre. The LPA do not begrudge the installation of masts for the purpose of improving telecommunications within the borough and the LPA welcome such investment. However, the LPA do object to an unjustified development that lacks key information explaining why it has been sited where it has and which otherwise prevents the LPA from making a sound decision in respect of the prior approval process. The siting of a mast via prior approval should be the result of a comprehensive sequential assessment of alternative locations in accordance with the requirements of the NPPF which, in this case, has been avoided. Indeed, discounted sites D1 and D3 are both considered to be very similar to the development site, with similar problems. D2 is also similar, but is smaller and contains a tree with no buildings. D4, as shown on the submitted map, is not considered to be a serious alternative and is considered to be entirely inappropriate for various reasons.

Therefore, on the basis of the above assessment, the development does not comply with NPPF Paragraphs 15 (c). Accordingly the development is considered unacceptable in respect of its siting as other locations have not been fully explored and the consultation process incorrectly administered.

<u>Visual Amenity:</u>

The site is in a very prominent position in the area on a very visible corner plot between Birk Avenue and Park Road. There are also several residential properties which would directly onto the proposed mast – the closest of which are located at 104-110 Birk Avenue with the front elevations of these neighbouring properties being situated c.25m from the mast. There are also other properties on Park Road which would face onto the pole at a close distance – the closest being no. 1 at a distance of 33m. Further, no. 2 (immediately to the South) is in close proximity at a distance of c.15m but the front and rear elevations would face away from the pole.

There are other examples of vertical elements within the street scene such as lampposts and trees, but the proposed elevations show that these are limited to 8m in height. As such, the proposed telecommunications mast would be easily visible from all directions, with little in the way of screening or opportunities to camouflage the mast and the associated equipment. Additionally, the properties to the South (nos. 2-16 Farm Road) are all bungalows, hence resulting in the proposed pole being visible from the South, over the rooftops of the modest single storey properties. See screenshots below taken from approximately 80m South of the site:







The SSSI and Planning Statement in Reasons for Choice of Design (page 7) states that '*In accordance with the requirement set within National Planning Policy Framework (February 2019) guidelines; the proposed 'Streetworks' design has been selected to minimise visual impact upon the street scene by integrating with existing street furniture.'*

It is appreciated that the mast has been designed with a slimline pole and a restrained height at 16m. However, it is considered by the Local Planning Authority that the proposed pole far exceeds the current vertical elements on the site, in what is a very prominent and visible corner plot. The elevations clearly show the mast will tower above the existing streetlights (8m) at double the height. Additionally, in respect of NPPF paragraph 113, nothing on the plans indicates how the mast is to be camouflaged and given how open the site is in all directions, there is limited scope to add soft landscaping etc.

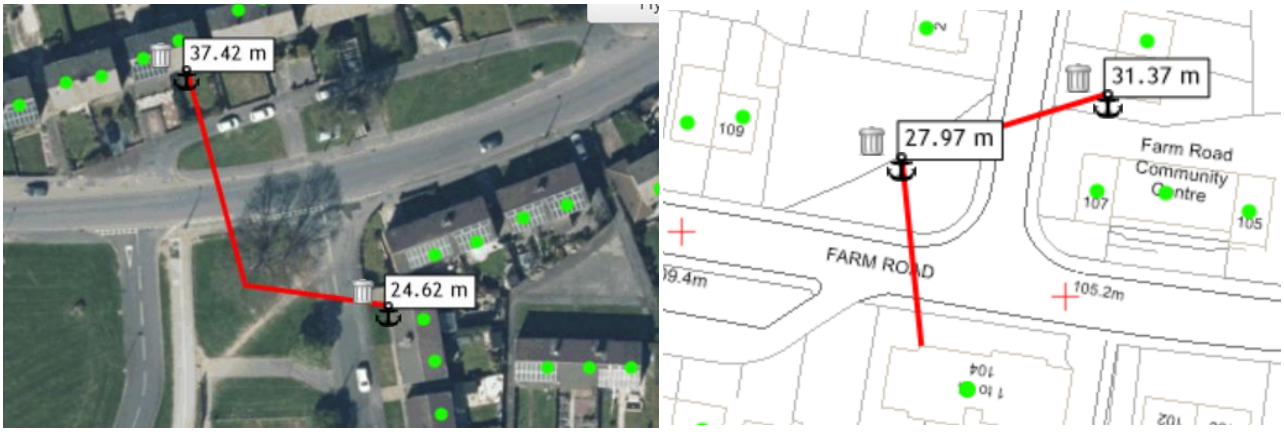
The ground-based apparatus is considered to be modestly sized and appropriately designed and is acceptable in terms of visual amenity.

All things, considered the proposed development would result in a dominant, unsympathetic, and intrusive feature in the street scene, completely changing the character of the area, to the detriment of visual amenity and contrary to Local Plan Policy D1: High Quality Design and Place Making.

Residential Amenity:

The proposed mast is sited in a position which is in very close proximity to neighbouring properties. In particular, the dwellings located to the immediate North will look directly onto the pole at a separation distance of c. 27m. The proposed development needs to be comply with Local Plan Policy GD1 in that the living conditions of existing and future residents must be respected and no adverse impact on their residential amenity. It is felt that the mast's close proximity would be contrary to this and would ultimately lead to a degradation of the living conditions of the properties on Birk Avenue (particularly nos 104-110) and the north of Farm Road (particularly nos 1 and 3 Farm Road). It is appreciated that the pole is restrained in height (16m compared to the maximum allowed under the prior notification) and has a slimline design, but the mast would be clearly visible from several windows on the frontage of these properties, reducing their outlook and having a dominating impact over the existing resident's dwellings.

There also appears to be some conflict in the applicant's justification in that all of the alternative sites have been discounted by virtue of overlooking from nearby residential properties. However, two of the discounted have similar separation distances to the proposed site. For example, an estimated location for the mast on D1 would be c.25-37m from nearby residential properties, whereas a mast located on a similar location on the D3 site would also be c.28m-32m away from the front elevations of several neighbouring properties.




There is no explanation as to why discounted sites D1 (kendray recreation Ground) and D3 (Farm Road) are not suitable – other than '*overlooked by residential properties'* - and why the proposed development site is not unsuitable for the same reason, despite having similar separation distances as outlined above.

All things considered, the proposed development by virtue of its inappropriate siting and would have a dominating impact over the adjacent neighbouring properties and is contrary to Local Plan Policy GD1: General Development in that it has a signficiant adverse impact on the living conditions and residential amenity of exisitng and future residents.

**Recommendation**

**Prior Approval required and refused.**